

ADDRESS BY SPEAKER BYRON TUNNELL TO
MEMBERS OF THE HOUSE OF REPRESENTATIVES,
58TH LEGISLATURE, MAY 24, 1963
FOR RELEASE UPON DELIVERY

Fellow Members:

As we approach the hour set for sine die adjournment of this Regular Session of the 58th Legislature, it seems appropriate that we take a few moments to review and summarize the work and accomplishments of this House since we convened on January 8.

I think we can all take justifiable pride in the record of this session. One of the more obvious reasons for this is that we are about to adjourn at the close of the 137th day, three days ahead of the 140-day constitutional deadline set for regular sessions, with all our major objectives accomplished. If no called sessions are necessary, we will have set a 20-year record. Not since 1943, when the 48th Legislature accomplished its work in 120 days, has a Legislature in Texas completed its tasks in so short a time. At least as far back as the 42nd Legislature in 1931, thirty-two years ago, none has adjourned before the constitutional deadline for regular sessions.

Since the actual cost of having the Legislature in session, exclusive of legislative salaries and interim expenses, is estimated by the Comptroller of Public Accounts at some \$14,850 per day, this early adjournment alone will result in a saving of about \$45,000 in state funds.

Based on the foregoing, with no special sessions, the 58th Legislature will cost the state more than \$1 million less than the last session, the 57th Legislature, which met for a total of 204 days.

This has been a business-like and hard-working House from the beginning. We were fully organized by the third day of the session, with the Speaker elected, the rules adopted, and committees appointed and ready to go to work.

We can also take pride in the new decorum changes which I recommended in my address at the opening of this session and which you approved. They have contributed substantially to expediting the business of the House in a more dignified and efficient manner.

These new rules, as you know, limit the persons who may be on the floor of the House during a session to members of the House, members of the Senate, properly accredited members of the working press, and certain necessary employees. They also provide that no food or beverages be consumed on the floor of the House at any time, and that all gentlemen admitted to the floor of the House wear a coat and tie at all times when the House is in session.

The observance of these reasonable rules has not only made a more favorable impression upon the people of Texas, whose business we have transacted here, but has contributed to the dignity and tradition of the House and to the effectiveness of our entire operation.

It has been a busy session, with 1,088 bills, 80 joint resolutions, and 100 concurrent resolutions introduced in the House. Considered with the 523 bills, 30 joint resolutions and 91 concurrent resolutions introduced in the Senate, this session has had before it more than 1,900 legislative proposals. This is comparable to the number introduced in most regular sessions.

As has been the case in most regular sessions in recent years, about one-third of the legislation introduced finally passed. Fewer bills have been reported from committees this session, 786 bills from House committees as compared to 906 during the Regular Session of the 57th Legislature. Thus our committees have done a better job of screening, carefully evaluating the merits of each proposal and enabling members to give more study and attention to the bills which came before the House for a vote.

It was said by Speaker Reed of Congress on February 17, 1894, that "The committee is the eye, the ear, the hand, and very often the brain of the Assembly." That description can be very aptly applied, I think, to the committees of this House which have functioned during the 58th Legislature.

If there is any single characteristic which would describe the session, I believe it can be accurately said that it is a spirit of cooperation and lack of controversy. One indication of the good will which has pervaded the House is the fact that although this was the first session since death deprived us of the experience and wisdom of C. Read Granberry, who served as parliamentarian here for 19 legislative sessions through 47 years, only one motion was made to appeal to the ruling of the chair, which motion died for lack of a second.

Harmony and cooperation have prevailed not only in the internal operation of the House but among the House, the Senate and the Governor. An illustration is the case of the tax bill, H. B. 106, which was drafted in subcommittee and passed both houses of the Legislature, going to the Governor for signature without a single change or amendment.

This bill, which becomes effective July 1, will provide a budget-balancing \$33 million for the next two years, chiefly by reducing exemptions in the 2 per cent retail sales, excise and use tax and by extending the corporate franchise surtax for another year. The measure was passed well in advance of the end of the session, being approved by the House on April 11, passed by the Senate on May 2, and signed by the Governor on May 10.

Thus we have avoided confusion and the pressures and uncertainties which characterize last-minute consideration of revenue measures and deny members ample time to give them study and analysis.

The General Appropriation Bill for the next biennium, upon which we have adopted the conference report today, provides more than \$3.1 billion for the support of state government during the next two years and is adequately covered by the present foreseeable revenue sources plus the tax bill just mentioned.

While caring for the state's financial business in an efficient way, we have been an economy-minded House, particularly in the matter of our own operation. Not only are we adjourning three days in advance of the constitutional 140-day deadline at a considerable saving, but previous to the time end-of-session rules were invoked, we suspended the constitutional rules only twice in cases where local situations urgently demanded immediate action. This, of course, eliminated the cost involved in taking and recording numerous record votes.

Cooperation between the legislative and executive branches of government this session is further emphasized by our action in implementing the Governor's recommended higher education program.

We passed early in the session H. B. 1, which creates the 25-member Governor's Committee on Education Beyond the High School. Appointments to this study group have just been announced, and for the first time we will have a comprehensive over-all survey of higher education in our state, encompassing both private and public institutions, in order that state officials and future legislatures may more accurately assess the needs and problems occasioned by our rapidly-increasing college-age population and our changing and growing economy.

Recognizing that our college enrollment in Texas will at least double in the next 10 years, we have created two new four-year state-supported colleges-- San Angelo State College by passage of S. B. 2 and Pan American College in Hidalgo County by passage of S. B. 7. In addition, we have provided funds for the support of the University of Houston, which becomes a state-supported institution on September 1, 1963, in accordance with legislation passed in 1961.

To conform the names of two existing colleges to their expanded programs and roles, we officially designated West Texas State College and A. & M. College of Texas "universities" by H. B.'s 12 and 755, respectively. By passage of H. B. 351, we designated the new medical school in San Antonio "The University of Texas South Texas Medical School."

Also in the realm of medical education, we passed H. B. 500, which authorizes The University of Texas to establish a graduate school of biomedical sciences in Houston, where it will be in a strategic location near the new NASA Manned Spacecraft Center.

Two bills in the area of higher education are also indicative of some of our contemporary concerns. To promote good relations with our neighboring Latin-American nations and encourage cultural and educational progress in the spirit of the United States government's Alliance for Progress, we have passed H. B. 619, exempting certain students from other American nations from tuition fees when they attend state-supported colleges in Texas.

In recognition of the potential problems arising from possession and use of atomic energy reactors in Texas institutions of higher education--and this is necessary and desirable to prepare students for scientific careers in this nuclear age--we have passed H. B. 100, which authorizes institutions of higher education operating these reactors to purchase liability insurance.

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Another piece of legislation in which we can feel a deep sense of satisfaction and accomplishment is S. B. 15, which at long last gives Texas a small loan law. The problem of regulation of the small loan business has been recognized and studied in Texas for at least 50 years. It is interesting, I think, that the Interim Legislative Small Loan Committee of the 40th Legislature, in its report to the 41st Legislature in 1929, recommended "a system of small money-lending at a sustaining rate. . . which will induce reputable

men to enter the legal small loan business." Essentially the same recommendation has been made by impartial study groups, including the State Bar of Texas and the Texas Legislative Council, in the years since.

To effect any workable solution, it was first necessary to amend the Texas Constitution, Section 11, Article XVI which provided that "All contracts for a greater rate of interest than 10 per centum per annum shall be deemed usurious. . . ." Such an amendment, giving the Legislature authority to classify loans and lenders and to set higher maximum interest rates, was passed by the Regular Session of the 56th Legislature in 1959 and submitted to the people of Texas at the general election on November 8, 1960.

The amendment was approved by a ratio of about three to one, with more than a million Texans casting votes in its favor. Despite this mandate, however, the 57th Legislature, in a regular session and three special sessions, failed to agree on a bill.

Naturally, regulation of the small loan business was a top priority concern of this session, and the two houses were able to settle their differences on this legislation in conference committee, the report of which was adopted by both House and Senate some weeks ago.

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We have also dealt with another long-standing problem this session--that of reasonable regulation of municipal annexation--by the passage of H. B. 13. After many years of attempts to curb unreasonable annexation powers of cities while giving them some control over developing areas outside their corporate limits, we were able to shape this legislation to satisfy the various interests and viewpoints it affects.

It will provide for orderly growth of cities by limiting municipalities to a specific additional area for extra-territorial jurisdiction in anticipation of annexation. For cities of 300,000 or more, the area will extend five miles. Smaller cities will have control over lesser areas in the platting of subdivisions likely to be annexed by the city eventually.

Municipalities will be limited to annexation of an additional 10 per cent per year of area over their corporate limits, with accumulation permitted for a three-year period.

Also under the terms of this bill, cities will be required to furnish proprietary services, such as utilities and fire and police protection, to annexed areas within three years or the newly-annexed territory will be eligible for deannexation.

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One important new state agency was created in this session and two existing agencies were merged in the interest of efficiency and better administration.

The state's long-time efforts to promote tourism will receive new impetus by the creation of the Texas Tourist Development Agency as provided by H. B. 11.

It was only recently that a real start could be made in this field because of the presence of an "anti-carpetbagger" clause written into the Texas Constitution of 1876. This provision, which in effect prohibited the expenditure of state funds for advertising and promotion of tourism, was repealed by a vote of the people in 1958, and promising beginnings have already been made.

Tourism is reported as the third-ranked industry nationally--just behind manufacturing and agriculture, but in Texas in 1960 it ranked only 13th. Even without an aggressive promotion program, however, tourism poured \$457 million into the Texas economy that year, with \$23 million of this amount in direct state taxes.

These are encouraging figures, but while the tourist industry has been booming, nationally, and internationally, the number of visitors and the total amount of their expenditures in our state have been declining. The efforts of the Texas Tourist Development Agency will undoubtedly reverse this trend and do much to compensate for a late start in developing the potential of tourism in Texas.

The merger, effected by H. B. 21, was of the State Parks Board and the Game and Fish Commission. The new agency will be known as the Parks and Wildlife Department. This measure, too, implemented a recommendation of the Governor, who pointed out in his message to this Legislature that "These agencies perform different aspects of the same function and the administrative structure and field organization of each can be meshed to provide stronger programs in each area with greater efficiency."

Although the proposal was not made as an economy measure, and it is not envisioned that there will be any spectacular saving of money in the immediate future as a result, the consolidation of such functions as accounting, engineering and janitorial services will eventually result in savings. Some of the readily apparent benefits are the improvement of our run-down parks system and the possible use of some of the undeveloped parks as wildlife refuges.

Affecting all state departments and indicative of this Legislature's interest in economy is S. B. 264, which amends the law so as to permit departments and agencies to be closed on Saturday mornings. Several years ago it was decided that state offices should be open on Saturday mornings to accommodate persons having business who could not visit the offices during the week. A trial period had indicated that the small volume of business transacted did not justify the expense of lights, air-conditioning, and keeping employees on duty.

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A law which will affect virtually every driver--and there are some 5 million of them licensed in Texas--is H. B. 50, which permits the Highway Department to raise the legal maximum speed limit to 70 miles per hour by day and 65 by night. I should hasten to point out, perhaps, that this is a 90-day bill which will not become effective until August. Although the 70-mile-per-hour maximum is the feature of the bill which seems to be of most interest, it will also give the Highway Department discretion to decide on speed zoning both within and without incorporated areas.

The new maximum speed limits will undoubtedly become operative immediately after the effective date on some 4,000 miles of four-lane highway which was engineered for 70 miles an hour, in addition to such other portions of the state's 64,000-mile highway system as are deemed safe for

such speeds. As to the safety aspects, it has been pointed out that this Bill merely legalizes the present driving practices of most Texans, since studies have shown that most vehicles on our highways tend to exceed the maximum speed limits by about 10 miles per hour.

The law also makes clear that responsibility rests with the motorist, who will be governed by the weather and traffic conditions and ordinary safety standards as well as the maximum speed limits. Another feature of the bill is that it permits the Highway Department to set minimum as well as maximum speeds, since it is acknowledged that extremely slow drivers on highways zoned for high speeds can be as much a hazard as motorists exceeding maximum limits.

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Also of major interest to all citizens is the Election Code Revision Bill, S. B. 61, the provisions of which incorporate the recommendations of an interim study group consisting of legislators, specialists in this field, and local election officials. No major changes in the state's election laws are effected by the bill, which is designed to improve election administration, clarify vague provisions, and remove conflicts and ambiguities.

Abolishment of the poll tax as a prerequisite to voting would necessitate some type of voter registration. This has been provided by the passage of S. B. 132, providing for annual voter registration with a 25-cent fee from each registrant to cover expenses of administration.

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Public schools have been the object of much legislative attention in recent years. This session, by the passage of H. B. 9, has raised benefits for teachers already retired and made more generous retirement benefits possible for those still active in the profession. As finally passed, the bill will permit teachers who retire in the future to figure benefits on the highest 10 years of earnings, rather than on the 1950-55 period as previously provided. It will raise the \$100-a-month minimum pension for presently retired teachers who had 25 years or more of service, providing a top minimum of \$150 per month for those with 36 years of experience.

These increased benefits, we hope, will enable our rapidly growing public school system to continue to recruit and retain high-calibre teaching personnel for the youth of our state and thus undergird the program of quality higher education we are striving for in Texas.

Toward the end of improving administration of justice in the state, we have created two new Supreme Judicial Districts, making a total of 13. No new Supreme Judicial Districts had been created in the state since 1923, during which time the population of Texas has more than doubled and the caseloads of the courts have increased tremendously. To ease the heavy workloads of existing courts in metropolitan areas, we have created in the more populous counties of the state a number of new courts.

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Among the several bills dealing with insurance we have approved, one of the most interesting is S. B. 27, which repeals the so-called Robertson Law. This has been on the state's statute books since 1907, when it was passed with the idea of stopping insurance companies from draining the financial wealth from the state. It required a certain percentage of the reserve funds on business written in Texas to be invested in Texas securities and real estate before a company was permitted to do business in the state.

The wisdom of the measure was bitterly debated at the time of its passage and some years later. The Robertson Act has been credited in part with the development and growth of our important Texas insurance

industry. It was the consensus that this restriction on investments had served its purpose, and its repeal will permit Texas companies to compete more freely in other states.

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We have also, by passage of H. B. 270, enacted a redraft of the entire Code of Criminal Procedure. This is the culmination of five years of work by the judiciary, prosecution and defense sections of the bar association. It is noteworthy that this is the first revision of the code since it was drafted in 1856 and recodified in 1925. Its purpose is to assure speedy administration of justice in criminal trials.

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In addition to the proposed constitutional amendment abolishing the poll tax as a requirement for voting, three others, concerning school financing, public welfare and the veterans land program, will be submitted to the people.

S. J. R. 6 removes the Legislature's authorization to transfer not more than 1 per cent annually of the Permanent School Fund to the Available Fund, which can be spent for current purposes, in order to provide for long-range protection of the Permanent Fund.

S. J. R. 21 permits an increase from \$54,500,000 to \$60,000,000 a year in state spending for old age assistance and aid to the needy blind, dependent children, the permanently and totally disabled, thus raising the constitutional limit on such spending another \$5.5 million annually. The proposed amendment will also eliminate the state payment ceiling of \$25 per month for individuals in the old age assistance program and \$20 a

month for those receiving aid to the permanently and totally disabled, allowing the state to add larger amounts to federal grants to liberalize benefits from these programs.

Approval of S. J. R. 16 by the voters would authorize the state to issue an additional \$150,000,000 in bonds, supplementing the \$200,000,000 already issued, to continue the veterans' land program and enable more than 2,000 applicants for loans on the waiting list to participate. In recognition of the increase in real estate values and higher costs generally, the amendment would also raise from \$7,500 to \$10,000 the limit on individual loans to veterans for land purchases.

A special election on the latter two amendments will be held this fall; the first will be submitted at the 1964 general election.

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Several bills benefiting agriculture have been passed. One of considerable current interest because of recent national controversy is H. B. 64, which provides for the regulation of the distribution, sale and transportation of economic pesticides so as to minimize the danger of their being harmful to vegetation and wildlife other than that which they are intended to control or destroy. Many of these chemicals are being used in Texas' vast agricultural operations, and it is highly important to guard against potentially dangerous side effects occasioned by carelessness or improper handling or use.

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I have attempted in this brief review of our work to touch only on the major pieces of legislation we have enacted. A number of others are also

worthy of mention. For example, H. B. 565 will provide for temporary emergency interim succession to certain state and local public offices, assuring continuity of government in case of enemy attack or other disaster. An emergency interim executive succession law is already on the books. H. B. 167 authorizes the establishment of rehabilitation districts to provide education, training, and employment opportunities for handicapped persons in their home communities.

By passage of S. B. 50 and S. B. 54, we have authorized establishment of two additional state schools for the mentally retarded in the Gulf Coast and West Texas areas where such facilities are presently available only at a considerable distance from the homes of persons in need of such care, education and treatment. H. B. 156, H. B. 266, and S. B. 383 authorize the Board for Texas State Hospitals and Special Schools to conduct research or enter into contracts for research in the fields of mental retardation and mental illness and for medical care and treatment of mentally ill persons. By attacking these problems through research, we can work in the fields of prevention and more effective treatment, continuing our emphasis on the shift from custodial care.

By the passage of S. B. 6, we approved the creation of Padre Island National Seashore, which will undoubtedly help to attract tourists to our state as well as provide additional recreation area for Texans.

Persons interested in more effective control of narcotic drugs have for some years advocated placing paregoric on the list of drugs which are to be sold by prescription only. This has been accomplished by the passage of H. B. 162.

During this session, we have also passed the usual quota of game and fish bills and other legislation of strictly local application. Certainly none of these can be considered inconsequential. To the persons and the localities they concern, they are as important as the measures of statewide application. Each of these bills accomplishes a desired objective, or makes possible its accomplishment, for a group of Texas citizens.

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Looking back over the session from this vantage point of its waning hours gives us new perspective, and so viewing it, I reiterate that it is one we can all survey with pride and the great satisfaction of a job well done.

I want to take this opportunity to express my appreciation and gratitude to each of you for your diligent work, your help and support, your patience and understanding, and your splendid cooperation. Working with you and serving as your Speaker has been a high honor and privilege which I will always treasure.

We are, in a sense, members of a long procession moving down the years through these legislative halls, separated in time but never in purpose-- seeking the good of our state and its citizens, the constituents who have placed their confidence in us to represent them and to control the destinies of Texas.

The world changes, our society changes, our economy changes; technological advances are coming so rapidly that they are outdating concepts and ideas almost before we have grasped them. Our laws can never be static. They must be flexible, vital and changing, dealing realistically with the situations and problems of our time.

So long as human progress continues, we will never be able to survey accomplishments at the close of a legislative session, no matter how successful, and say that the work of lawmaking is truly done. As a German poet and dramatist has written: "Properly speaking, such work is never finished; one must declare it so when, according to time and circumstances, one has done one's best."

I feel that we have all done our best and given of our best in this regular session of the 58th Legislature now coming to a close--and I do not think it boastful or immodest to say that our best has been very good indeed.

Thank you.

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